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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 UNITED STATES,

11 Plaintiff,

12 v.

13 M.D. STEPHEN LEE SELDON, et al.,

14 Defendants.
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Case No. 2:07-CR-0135-KJD-LRL

ORDER

16 On June 16, 2007, Defendants Stephen Lee Seldon and Deborah Martinez Seldon filed a
17 Motion to Suppress (#67). On August 14, 2008, Magistrate Judge Lawrence R. Leavitt issued a
18 Report and Recommendation (#79) that the Motion to Suppress should be denied. Specifically, the
19 Magistrate Judge found that Defendants had failed to argue lack of probable cause, and that the
20 warrant at issue was not unreasonably broad. The Magistrate Judge found, *inter alia*, that the
21 warrant set forth appropriate, objective standards which allowed the agents to differentiate the items
22 subject to seizure from items not subject to seizure. Specifically, the Magistrate Judge found the
23 Warrant to be sufficiently limited to Botulinum-derived medications, and sufficiently particular in
24 limiting the agents to the seizure of records “reflecting, referring, and relating to” six known sources
25 of non-FDA approved neurotoxin. (Report and Recommendation at 7.) The Magistrate Judge also
26 found the date range for the evidence to be seized was reasonable, and that even if the warrant lacked

1 particularity, the good faith exception to the exclusionary rule applies, as the agents acted in good
2 faith and in reasonable reliance on the warrant.

3 Therefore, the Court upholds the Report and Recommendation (#79) of the Magistrate Judge.

4 **IT IS HEREBY ORDERED** that Defendants' Motion to Suppress (#67) is **DENIED**.

5 DATED this 29th day of October 2008.

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9 Kent J. Dawson
10 United States District Judge
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